

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

Plaintiff,

v.

ESPERANZA VARGAS VOGEL, et al.,

Defendants.

No. 1:21-cv-00762-ADA-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS GRANTING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

(Doc. Nos. 46, 47)

On May 12, 2021, Plaintiff filed this diversity action seeking a declaration pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, of the proper direction of payments due under an annuity contract. (Doc. No. 1.) Plaintiff filed an amended complaint on May 26, 2022, to interplead, pursuant to Federal Rule of Civil Procedure 22, Defendants' competing claims to the annuity payments. (Doc. No. 28.)

Defendant Monico Rodriguez, as Trustee of the Esperanza Vargas Special Needs Trust ("Defendant Rodriguez"), was served on June 30, 2022 (Doc. No. 38), and Defendant Esperanza Vargas Vogel was served on July 14, 2022 (Doc. No. 39). Neither Defendant filed an answer nor has taken any action indicating that they intend to defend this suit. Plaintiff requested entry of default against Defendants on August 9, 2022 (Doc. No. 40), which was entered by the Clerk of Court that same day (Doc. No. 41).

1 On August 24, 2022, Plaintiff filed a motion for default judgment. (Doc. No. 46.)
2 Pursuant to 28 U.S.C. § 636(b), the pending motion was referred to a United States Magistrate
3 Judge for the issuance of findings and recommendations. (*See* Doc. No. 47 at 2 n.1.)

4 On September 16, 2022, the assigned Magistrate Judge issued findings and
5 recommendations recommending that Plaintiff's motion for default judgment (Doc. No. 46) be
6 granted. (Doc. No. 47.) Those findings and recommendations contained notice that any
7 objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 15.) To date,
8 no objections have been filed and the time for doing so has now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de*
10 *novo* review of the case. Having carefully reviewed the file, the Court concludes that the findings
11 and recommendations are supported by the record and proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on September 16, 2022 (Doc. No. 47)
14 are ADOPTED in full;
- 15 2. Plaintiff's motion for default judgment (Doc. No. 46) is GRANTED;
- 16 3. Defendants Esperanza Vargas Vogel and Monico Rodriguez, as Trustee of the
17 Esperanza Vargas Special Needs Trust (collectively, "Defendants"), are enjoined
18 and restrained from instituting or prosecuting further any proceeding in any State
19 or United States court, including this Court, either at law or in equity, against
20 Plaintiff or its affiliates and agents arising out of or relating to Annuity No. 404138
21 (the "Annuity") or the held or remaining payments due under the Annuity (the
22 "Annuity Payments");
- 23 4. Plaintiff and its past, present, and future parents, subsidiaries, affiliates, successors,
24 assignees, agents, producers, servants, employees, officers, directors, principals,
25 representatives, attorneys, and insurers are fully and finally discharged from any
26 further liability arising out of or relating to the Annuity or Annuity Payments;
- 27 5. Plaintiff is awarded its attorney's fees and costs in the amount of \$8,641.46, which
28 are to be deducted from the currently held Annuity Payments prior to deposit into

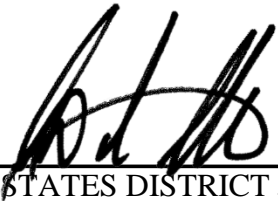
the registry of the Court;

6. All claims, demands, debts, or causes of action that could have been asserted against Plaintiff by Defendants arising out of or relating to the Annuity or Annuity Payments are DISMISSED with prejudice; and

7. Plaintiff is DISMISSED with prejudice from this action.

IT IS SO ORDERED.

Dated: November 18, 2022


UNITED STATES DISTRICT JUDGE